

**Town of Middletown
Planning Department**

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES

Special Meeting

September 27, 2006

Board members present:

**Art Weber, Chairman Ron Wolanski, Town Planner
Jan Eckhart, Secretary Vernon Gorton, Town Solicitor
Richard Adams
John Tucker
Colleen Aull**

Members absent:

**David Lawrence
Audrey Rearick**

The meeting was called to order at 6:00 pm.

1. Landings Capital and Development, LLC, Request for Final Plan

approval for a 3-lot subdivision of Navy land (Anchorage) Plat 107SW, Lot 1

Attorney Patrick Hayes Jr. represented the applicant.

Mr. Wolanski stated that the applicant's engineer and town officials met on September 22nd to review the latest plans and the status of outstanding items. Mr. Wolanski reviewed the status of each of the conditions placed on the preliminary plan approval. In addition Mr. Wolanski suggested additional conditions of the final approval that would address items identified at the September 22nd meeting.

The Board and the applicant agreed that the majority of the conditions would have to be addressed prior to the recording of the final plan.

Motion by Mr. Tucker, seconded by Ms. Aull, to grant final plan approval subject to the following conditions:

- 1. Prior to recording the final plan, all plans, easement documents, and additional materials shall be reviewed and approved by the Town Engineer and Town Solicitor.**
- 2. Prior to recording the final plan, the applicant must provide performance security in an amount to be equal to 125% of the estimated actual cost approved by the Town Engineer for required improvements. The form of the security must be approved by the Finance Director, and must be posted with the town before recording.**
- 3. The following activities requested by the Fire Dept must be completed prior to recording, or appropriate security to ensure completion must be provided, subject to approval of the Fire Chief:**

- Hydrants on 4" water mains must be removed.
- The hydrant connection ports must be changed to Newport thread.
- All hydrants must be tested, including operational and flow testing.
- The water system must be flushed to remove sediment.
- A maintenance contract for hydrants must be provided.

4. All requirements of the Newport Department of Public Works regarding water service, including those contained in the July 26, 2006 letter from Kenneth Mason, shall be adhered to.

5. Upon recording of the final plan, development impact fees in accordance with the Town's Development Impact Fee Ordinance must be paid to the Town.

6. Within 90-days of recording the final plan, the applicant shall demonstrate (through smoke testing) that there are no cross-connections between the storm sewer system and the sanitary sewer system on the property. Any cross-connections that are discovered must be remediated at the applicant's expense.

7. Prior to recording the final plan, the applicant shall provide a revised storm water drainage easement and maintenance program to include language indicating the potential presence of drainage structures and pipes constructed of asbestos, and the need to take appropriate precautions during cleaning and maintenance activities.

8. The existing water meter pit located on Town property (Plat 107NE, Lot 121) shall be demolished and filled in accordance with the procedure approved by the Town Engineer.

Vote: 5-0-0

There was discussion regarding the potential for providing affordable

housing consistent with the state definition. The applicant, Mr. Bicho, indicated that he has discussed this with RI Housing, and is hopeful that there will be an opportunity to qualify some of the units as “affordable” under state law.

2. Public Hearing – Proposed amendments to the Middletown Rules and Regulations Regarding the Subdivision of Land regarding development plan review and commercial development design standards

3. Request for recommendation to the Middletown Town Council on proposed Zoning Ordinance Amendments as recommended by the Zoning Ordinance Review Committee

The Board elected to discuss both the amendments to the subdivision regulations and the zoning ordinance amendments at the same time.

Mr. Wolanski explained that the draft amendments to the sign ordinance (Zoning Ordinance Article 12) had yet to be completed. The Town Solicitor has advised the Town Council that because the draft was not available at the time the other zoning amendments were advertised, it cannot be considered as part of the Oct. 10th hearing where zoning amendments will be considered.

The Board decided that the draft of the sign ordinance amendments will be review at its regular meeting on October 11, 2006.

There was discussion of the proposed amendments to the subdivision regulations and to the zoning ordinance. The Board also reviewed the recommendations of the ZORC subcommittee regarding comments received by the Town Council on September 11, 2006.

The meeting was opened to the public. There was no public input.

The public hearing was closed.

Motion by Ms. Aull, seconded by Mr. Eckhart, to adopt the proposed amendments to the Subdivision regulations as proposed in the draft document dated August 2, 2006, and including additional amendments recommended by the ZORC subcommittee and contained in the chart dated 9/26/06. Vote: 5-0-0.

Motion by Ms. Aull, seconded by Mr. Eckhart, to forward a positive recommendation on proposed amendments to the Zoning Ordinance as proposed in the draft document dated August 2, 2006, and including additional amendments recommended by the ZORC subcommittee and contained in the chart dated 9/26/06. Vote: 5-0-0.

Motion by Ms. Rearick, seconded by Mr. Eckhart, to adjourn. Vote: 5-0-0

The meeting adjourned at 7:00pm